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6 UNITED STATES DISTRICT COURT  
7 WESTERN DISTRICT OF WASHINGTON  
8 AT SEATTLE

9 UNITED STATES OF AMERICA,  
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11 Plaintiff,  
12 v.  
13 JAMES KOWALSKI, JR.,  
14 Defendant.

Case No. CR18-68RSL  
  
ORDER DENYING  
MOTION FOR EARLY  
TERMINATION OF  
SUPERVISED RELEASE

15 This matter comes before the Court on defendant Mr. Kowalski's "Motion for Early  
16 Termination of Supervised Release." Dkt. #5. On February 27, 2013, Mr. Kowalski pleaded  
17 guilty to possession with intent to distribute 1 kilogram or more of heroin. He was sentenced to  
18 36 months in custody and three years of supervised release. Dkt. #5 at 1. As a special condition,  
19 he was also ordered to complete 200 hours of community service within the first two years of  
20 supervised release. *Id.* at 2. Mr. Kowalski began his supervised release on October 17, 2016, and  
21 this Court accepted jurisdiction of supervision on March 27, 2018. Dkt. #1.

22 The Court "may, after considering the factors set forth in [18 U.S.C. § 3553(a)] ...  
23 terminate a term of supervised release and discharge the defendant released at any time after the  
24 expiration of one year of supervised release ... if it is satisfied that such action is warranted by  
25 the conduct of the defendant released and the interest of justice." 18 U.S.C. § 3583(e)(1). When  
26 deciding whether to grant early termination, the Court "enjoys discretion to consider a wide  
27 range of circumstances." United States v. Emmett, 749 F.3d 817, 819 (9th Cir. 2014). The Court  
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1 also maintains “broad discretion to modify conditions of supervised release.” United States v.  
2 Bainbridge, 746 F.3d 943, 948 (9th Cir. 2014); see 18 U.S.C. § 3583(e)(2). This includes  
3 community service. United States v. Poseley, No. CR-03-00344-PHX-DGC, 2013 WL 173759,  
4 at \*1 (D. Ariz. Jan. 16, 2013).

5 The Court is pleased to learn that Mr. Kowalski is doing well under supervised release. It  
6 appreciates his efforts in securing employment at Safeco Field, Buffalo Wild Wings, and Kigo  
7 Kitchen, and in working to financially support his children. Dkt. #5 at 3-4; Dkt. #5-1. It  
8 acknowledges that his supervised release makes him ineligible for access credentials with at  
9 least one of Kigo Kitchen’s corporate customers, hindering his work. Id.

10 The Court cannot turn a blind eye to his 170 unsatisfied community service hours, but it  
11 will exercise its discretion to modify the conditions of his supervised release and reduce the  
12 number of hours from 200 to 100. The Court encourages Mr. Kowalski to continue his excellent  
13 behavior, and to re-apply for an early termination after completing his community service hours.  
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15 For the foregoing reasons, the motion, Dkt. # 5, is DENIED. The Court hereby ORDERS  
16 that the conditions of Mr. Kowalski’s supervised release be modified to reduce his community  
17 service hours from 200 to 100.

18 DATED this 6<sup>th</sup> day of February, 2019.

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21 Robert S. Lasnik  
22 United States District Judge  
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